THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8930 of 2007

Between:

M/s.Laxmi Wines.

.. PETITIONER

and

The Commissioner of Prohibition
and Excise and others.

..
RESPONDENTS

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ORDER:

It is the case of the petitioner that it is a licensee for retail sale of

Indian made liquor and Foreign made liquor in respect of Gazette Sl.No.97 situated at Atmakur Mandal, Anantapur District and the license granted to the petitioner was cancelled by the Deputy Commissioner of Prohibition and Excise, Anantapur, vide proceedings, dated 18-01-2007, on the ground that the petitioner involved in Cr.No.227 of 2006-07 for the offence under Section 34(a) of A.P.Excise Act, as he was found transporting rectified spirit. Against the said order of cancellation, the petitioner filed appeal before the Commissioner of Prohibition and Excise, Hyderabad, on 30-03-2007.

On instructions, the learned Government Pleader appearing for the respondents submits that the appeal filed by the petitioner against the order of the Deputy Commissioner of Prohibition and Excise, Hyderabad, dated 18-01-2007, is still pending.

The petitioner questions in this writ petition the action of the 1st respondent in permitting respondents 2 to 3 to re-notify the said shop for the remaining period of lease year-2006-08.

If the said shop is not re-notified, the resultant loss has to be borne by the petitioner only. However, the petitioner takes risk about the resultant loss contending that when his appeal is pending before the 1st respondent, the same cannot be re-notified.

It is true that when the petitioner is taking risk about the resultant loss for remaining period of lease year-2006-08 and when the appeal is pending before the 1st respondent, it may not be just and proper to re-notify the said shop.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to consider and dispose of the appeal, as expeditiously as possible. Pending disposal of the appeal, pursuant to the

order of the 1st respondent, dated 25-03-2007, in according permission to re-notify the shop of the petitioner i.e., M/s.Lakshmi Wines, Atmakur, in respect of Gazette Sl.No.97, Atmakur Mandal, Anantapur District, respondents 2 and 3 shall not auction the said shop for the remaining period of lease-2006-08.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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01-05-2007

Prv